

**MINUTES of the Village of Montgomery Planning Board meeting held in the Village of Montgomery Meeting Room, 133 Clinton Street, on Wednesday, October 25, 2023, at 7:30 pm.**

**ATTENDANCE:** Chrm. Conero, Mbr. Romano, Mbr. Steed, Mbr. Meyer, Mbr. Frisbie (Absent), Vlg. Atty. Joseph McKay, Vlg. Eng. Scott Sicina of Lanc & Tully, James Martinez of Engineering & Surveying Properties

**OPEN:** Chrm. Conero opened the meeting with the Pledge of Allegiance.

**Chrm. Conero** said, at the last meeting, they asked their attorney to draft a resolution for conditional preliminary site plan and special exception use approval for Butler Construction and he's done that for them.

**Atty. McKay** said, the projects that he's been involved in before that have the special exception use, have required both preliminary and final approval. For this particular case, the application doesn't fit. It doesn't require both the preliminary and a final approval, but the other section of the code that requires that the Village Board approve this project contains language that says once they approve it, it has to come back to this board for final approval. So, if this didn't need Village Board approval, they'd be done. They would be here tonight just for their final. Just so they can distinguish this document from the next one, which will be their final approval, he did call it conditional preliminary, the condition mainly being that they need Village Board approval.

**Chrm. Conero** said, they will vote on the preliminary approval, but they're (the applicant) still going to have to go to the next village board meeting to get their approval on the project and then it comes back to and then we'll do the final special exception and resolution for site plan.

**Atty. McKay** said, some portions of the code say they have to make up/submit a final site plan application. He doesn't see why that would be necessary. Really what they need to do is, once the Village Board approves it, come back here, whatever the Village Board approves is actually the last set, unless they require a change. So, there can't be any change between the Village Board process and this Board. The language here, though, what he did say is if/when the Village Board approves it, they do have to come back for final. He doesn't see that they need a public hearing. As long as we get whatever the final plans are, and they made their last submission October 13<sup>th</sup>. If that's what goes to the Village Board, there's no change, and they get put on the agenda, and if Scott doesn't have any technical concerns, he can change the "preliminary" to "final."

**Chrm. Conero** said, they've done that in the past. Their next step is to go to the Village Board's next meeting. When is that again?

**Ms. Murphy** stated it is November 21<sup>st</sup>.

**Mr. Martinez** said as long as it's the next meeting, he'll wait.

**Chrm. Conero** said, either way, you should definitely be there yet to get this approved because that would mean we meet on December 15<sup>th</sup>. At that point, Joe will change it from preliminary to final and they'd be done.

**Mr. Martinez** replied, okay.

**Chrm. Conero** asked if the Board had a chance to read the Preliminary Conditional site plan and special exception? He went over with Joe. He thinks it's thorough. There was a highlighted sentence about the sketch plan.

**Atty. McKay** said yes, to confirm that their sketch plan was filed on that date. He couldn't confirm it. He'll just take out the highlight. The next few pages the "whereas" clauses essentially just detail the steps that you've taken, the things that were submitted, the issuance of the public hearing, the issuance of the neg dec and coming forward to today. On the bottom of page 3 and continuing to page 4, just talks about the conditions.

*So, the conditions that are set forth in the draft approval are essentially standard conditions that we've had in their prior site plan and special exception use approvals. At the bottom of page four, they have a general landscape, general language concerning landscaping, general language concerning the maintenance of the parking area.*

*Page 5. General language concerning drainage, lightning, the fence. When they get to section F on page 5, there's general language about dumpsters. He doesn't recall if there was a specific dumpster location on the site plans.*

**Mr. Martinez** said, right there on the side of the office. (He indicates where the dumpster is located on the site plan.)

**Atty. McKay** said, the language basically says that the dumpster enclosure shall be maintained, etc. So, that seems that it would be correct unless you have any objections to the specific language in the resolution.

**Mr. Martinez** said he thinks it sounds alright.

**Atty. Mc Kay** said he will leave it in.

*Subsection 1 just talks about the fact that in the study it was identified as an Indiana Bat habitat area, so the standard condition there is that trees and mature vegetation can only be removed between November 1st and March 31st.*

*Item three at the bottom of page 5 talks about a grease trap agreement. He understands that there's no grease trap there. He was able to speak with Scott before the meeting. He left this there as a discussion point to see if there was any similar type of device that might be needed for lubricants or oil or anything else. Scott advised him not. That section 3A, he will omit.*

*On page 6 it shows some of the standard conditions that we normally have with our agreements. Standard resolution talks about storm water agreements, certain dedications, construction inspections. He doesn't believe that any of those apply to this, so he has those crossed out. There is no reason for submitting any financial, security or bonding; there's no off-site improvements at all to the project. There's well water and septic so there's nothing connecting. This is correct that there's no need to have any financial security. I will, in the final resolution, the text there on page 6, that's striking out, will be omitted from the final draft.*

*On page 7, Section 5 A & B are somewhat standard conditions. 5C states that this approval was for a condition on the approval of the Village Board. Section 122-51. Code because this is for an industrial use having more than 4,000 sq. ft of gross floor area.*

*And subsection E on page 8. Submission of final site plan. That is what he just explained before. Which is because it's going to the Village Board and that text in that section requires it to come back. He is advising*

*the Board that it needs to come back. There was a binding comment, this is subsection F, that binding comment from the county concerning FAA Aeronautical Study. A study which was performed. His notes from the last meeting indicate that the applicant agreed, although it wasn't a requirement, to provide lighting on the roof of the building.*

**Mr. Martinez** said yes, the applicant was not opposed to it. He was open to putting the lighting up there.

**Scott Sicina** said in his notes, the applicant's engineer indicated that warning light would be placed on top of the building for aircraft.

**Atty. McKay** said that is consistent with his notes. He did make that a condition. He didn't say what kind of lighting, he just said lighting consistent with FAA. And the last item is subsection G. At the last meeting there was discussion about increasing/improving the screening of the project from a residence near the western portion of property. He believes they've done that based upon...

**Scott Sicina** said yes, they've shifted landscaping to shield the back of the facility to the house to the West.

**Atty. McKay** said he had listed that as a condition but if the Board is okay with the landscaping, as revised on October 13<sup>th</sup>, then he can omit that as a condition. They have already complied.

The Board agreed and they liked the color of the proposed building.

**Atty. McKay** said to Mr. Martinez, he provided their office with a copy of the draft. Do they have any changes?

**Mr. Martinez** said yes, he sent an e-mail. Just minor issues. The sketch plan was confirmed on the building square footage. It was listed as 24,093 sq. ft. and it is now 21,359 sq. ft. This is on page 1 of identification of property and page 2, the third "whereas." The Indiana bat on page five, that one is October 1st. On November 1st I think is the northern long-eared bat. They are two different ones. The other thing was the grease trap and that was discussed.

**Atty. McKay** said he would make the slight revisions that are required.

**Mr. Martinez** asked if they needed a referral to the Village Board or do they just submit a submission letter asking to get on the next agenda.

**Atty. McKay** said a submission letter is fine.

**A MOTION was made to APPROVE THE RESOLUTION OF CONDITIONAL (PRELIMINARY) SITE PLAN AND SPECIAL EXCEPTION USE APPROVAL FOR BUTLER CONSTRUCTION GROUP – 213-3-5 by Chrm. Conero, seconded by Mbr. Meyer and carried 4 Ayes, 0 Nays.**

**A MOTION was made to CHANGE THE DECEMBER 27<sup>TH</sup> PLANNING BOARD MEETING TO DECEMBER 20<sup>TH</sup> by Mbr. Steed, seconded by Mbr. Romano and carried 4 Ayes, 0 Nays.**

**A MOTION was made to APPROVE THE SEPTEMBER 27, 2023, MINUTES by Mbr. Romano, seconded by Mbr. Steed and carried 4 Ayes, 0 Nays.**

**A MOTION was made to ADJOURN THE MEETING AT 7:53PM by Mbr. Romano, seconded by Mbr. Meyer and carried 4 Ayes, 0 Nays.**

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Tina Murphy, Deputy Village Clerk